REMARKS

The present invention relates to a method for classifying and counting leukocytes. This includes, in accordance with claim 1, step (3), "obtaining scattered light peak intensities and **scattered light widths** of the respective cells ...." and, per step (4), ".....classifying the cells into a first group and a second group based on the scattered light peak intensities **and the scattered light widths**, the first group including leukocytes and the second group including coincidence cells and platelet clumps".

In the final Office Action of April 10, 2008, the sole remaining rejection of claims 1 - 3, 6 - 10, and 12 - 13 is the obviousness rejection under 35 U.S.C. § 103(a) based on Sakata et al in view of Thompson et al and Mizukami et al. Applicant appreciates that the Examiner has previously withdrawn all other rejections.

In maintaining the rejection under 35 U.S.C. § 103(a), in the Response to Arguments on pages 8 to 9 in the final Office Action, the Examiner pointed out that Sakata et al (EP 0844481) disclose a method wherein forward scattered light and side scattered light are measured at the same time, and the Examiner asserted that this is functionally equivalent to measuring the scattered light peak intensity and scattered light width. Based thereon, as well as relying on the secondary art for certain other features, the Examiner concluded that the presently claimed invention would have been obvious to a person of ordinary skill in the art.

However, Sakata et al actually discloses only a method wherein forward scattered light intensity and side scattered light intensity are measured. The Sakata et al reference is silent regarding measuring forward scattered light width or side scattered light width. The width of scattered light is a completely different parameter from the intensity of scattered light.

The Sakata et al reference does not teach or suggest to measure scattered light width of respective cells, nor does it teach to classify the cells into a first group including leukocytes and a second group including coincidence cells and platelet clumps based not only on the scattered light peak intensities, but also based on the scattered light width. The Sakata et al reference does not teach or suggest that the measurement of such width parameters would lead to a superior classification between the first group and the second group.

In contrast to the disclosure of Sakata et al, the presently claimed invention is directed to a method in which the first group including leukocytes and the second group including coincidence cells and platelet clumps are classified based on the scattered light intensities and also based on the scattered light widths, and the leukocytes included in the first group are classified into mature leukocytes, leukocytes with abnormal DNA amount and immature leukocytes.

As noted in the previous-filed Response, by the steps of the presently claimed method, it is possible to clearly classify the leukocytes into mature leukocytes, leukocytes with abnormal DNA amount, and immature leukocytes, by preventing, for example, platelet clumps being

erroneously classified into any group of leukocytes, even when a sample containing platelet clumps is subjected to the present method.

Again, because the method of Sakata et al uses forward scattered light intensity and side scattered light intensity, but does not use scattered light widths, the method disclosed in Sakata et al does not allow coincidence cells and platelet clumps being differentiated from leukocytes.

Therefore, Applicant must respectfully disagree with the apparent opinion of the Examiner, that Sakata et al disclose a method wherein the intensity of forward scattered light and side scattered light are measured at the same time, and that it is functionally equivalent to measuring the scattered light peak intensity and the scattered light width as is required in the presently claimed invention.

Thus, the presently claimed method is clearly not obvious over the deficient Sakata et al reference, and reconsideration and withdrawal of the rejection is respectfully requested.

With respect to the secondary references, Thompson et al (US 2001/0049091) or Mizukami et al (US 6,004,816) do not disclose or suggest that it is possible to differentiate leukocytes from coincidence cells and platelet based on the scattered light peak intensities and the scattered light widths. Therefore, there is no basis for finding this distinguishing feature of the presently claimed invention in any of the cited art references.

In conclusion, none of the above cited prior art discloses obtaining scattered light widths of the respective cells. Therefore withdrawal of the rejection is appropriate.

Further, none of the above documents disclose or suggest classifying the leukocytes into (1) mature leukocytes, (2) leukocytes with abnormal DNA amount, and (3) immature leukocytes.

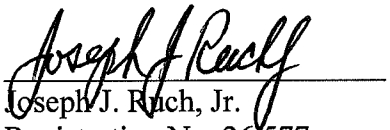
Therefore, the present claimed method is not obvious over the above cited documents, and hence withdrawal of the rejection is furthermore appropriate.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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